

Florence, New Jersey 08518-2323
August 26, 2014

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Chairperson Hamilton-Wood	Tim Lutz
James Molimock	Wayne Morris
Mayor Craig Wilkie	Councilman Ted Lovenduski
Thomas McCue	

ALSO PRESENT: Solicitor David Frank
 Engineer Doug Szabo

ABSENT: William Federico, Ray Montgomery

RESOLUTIONS
None at this time.

MINUTES

It was Motion of Lutz, seconded by Morris to approve as submitted the minutes of the Regular Meetings of April 22, 2014 and June 24, 2014. All ayes.

CORRESPONDENCE

- A. Letter from Malick & Scherer, P.C. dated July 11, 2014 regarding request for NJDEP Freshwater Wetlands Letter of Interpretation and Flood Hazard Area Applicability Determination Applications for New Jersey Turnpike PA Extension Salt Shed.
- B. Letter from Burlington County Planning Board dated July 11, 2014 regarding G & B Business Associates, Block 160.01, Lot 1.02.

- C. Letter from New Jersey Turnpike Authority dated July 15, 2014 regarding New Jersey Turnpike Communications Infrastructure, Delaware River Bridge, Application for NJDEP Freshwater Wetlands General Permit.
- D. Letter from CDM Smith dated August 7, 2014 regarding Dean Foods/Garellick Farms, Replacement of the existing Equalization Tank, General Industrial Treatment Works Approval (TWA) Permit.
- E. Letter from Burlington County Soil Conservation District dated August 13, 2014 regarding Valero/7-Eleven Site, Block 160.01, Lot 1.02.
- F. Proposed Meeting Dates for 2015 for review and comment/approval

It was the Motion of Lutz, seconded by Lovenduski to receive and file correspondence A through F. All ayes.

APPLICATIONS

A. Application PB#2014-04 for Paul Konrad. Applicant is requesting Minor Subdivision with bulk variances for property located at 1270 Emerick Avenue, Roebling. Block 144, Lot 9.

At this time Chairperson Hamilton-Wood recused herself from the hearing and left the building due to a conflict. Vice Chair Lutz then lead the meeting.

He called Jonas Singer, Esq., who represented the applicant. Mr. Singer requested that Mr. Konrad and the applicant's planner, James Miller, be sworn in. Both were sworn in by Solicitor Frank. Mr. Singer said Mr. Konrad resides at 1270 Emerick Avenue. He is seeking a subdivision of his lot and variances. The property was once two lots but they were combined into one.

Mr. Konrad said he surveyed properties in the area for comparison. He entered into evidence exhibit A-1, his findings from surveying area properties. The properties were 100 Parish Lane, 1265 Highview Avenue, 1273 Highview Avenue, 1273 Highview Avenue, 1291 Highview Avenue and 1295 Highview. His new lot would front on Highview Avenue. He reviewed the sizes of the various lots and their impervious coverage. He said what he wants to do is in line with the other lots in the area. Mr. Singer asked if he prepared a summary of his analysis of the other properties. He said he did, and entered into evidence exhibit A-2, a comparison sheet of the properties and his proposed lots. Solicitor Frank asked what Mr. Konrad included to calculate lot coverage. Mr. Konrad said he used impervious coverage such as porches, sheds, driveways and decks. Mr. Frank asked how he got the measurements. Mr. Konrad said he went to the properties and measured. Mr. Singer said all of the lots that were reviewed have lot widths of 50' or less, depths of 102' or less. The proposed lots meet those criteria. The proposed coverage is also less than the properties surveyed. Mr. Singer asked Mr.

Konrad what he proposed to do with the second lot. Mr. Konrad said he planned to build a house on the new lot.

Member Lutz noted that the information in the summary did not match information on the survey. It was noted that information for lots 9A and 9B was transposed.

Mr. Singer entered into evidence an aerial view of the site. It was labeled A-3. He said the proposed improvements would be in keeping with the neighborhood. The proposed setbacks were better than many of the setbacks of the other properties.

Mr. Singer called Mr. Miller. Solicitor Frank noted that Mr. Miller has been accepted as an expert witness before the Board on previous occasions. He was accepted as an expert. Mr. Miller said he reviewed local zoning ordinances, the Master Plan, aerial photos and had been to the area on numerous occasions. He entered into evidence exhibit A-5, two aerial views of the area from Google. The top photo showed the land use panels in the area. The area is zoned NC. It showed how tight the patterns are in the NC zone. The bottom photo shows the immediate area of the property. He entered into evidence exhibit A-5, views of Emerick Avenue and Highview Avenue. The photos show where the streets intersect Parish Lane. It depicted how the buildings in the area are aligned. There are shallow front setbacks and the homes are very close together.

He said the relief being sought is two-fold. The first is to re-establish the lot line that is broken up with Mr. Konrad's single lot. If the lot was divided the lot lines on the block would run continuously. The applicant is also seeking relief with the bulk variances to allow development on the lot and the proposed dwelling is comparable to those in the area. The project does meet positive criteria.

The subdivision would create two lots that are each 5,237.5 sq. ft. Dividing the lot is an improvement because it would reestablish the lot line. It would eliminate the only lot that is a through lot. The current lot is inconsistent with the lots in the area. There would be ample room to support development on the lot. It is a better zoning alternative and there are no detriments with the proposal.

Mr. Miller said lot 9B where the new dwelling has the potential to be very aesthetically pleasing. It would be consistent with the street wall. The variances would allow for that. It would free up space in the back of the property and would allow for a garage and an extended driveway. There is no detriment to the community. Variances are required for the garage but there is no impact on the surrounding area. The side yard setback is consistent with what is already seen in the neighborhood. The variances would provide for more useable space in the yard.

On lot 9a there were existing structures that required variances. Any impact from the variances would be internalized to these lots and would not be a detriment. Regarding impervious coverage, what is proposed and existing was a better zoning alternative and it was really the pattern of the neighborhood. The lot coverage amounts are typical of the area because they are older lots and reflect older means of subdivision. They are shallow

and narrow and they need the impervious coverage. There are many sheds, garages and auxiliary uses. The residential amenities also include storage, decks and patios. The benefits of the amenities that trigger impervious coverage outweigh any detriments and are consistent with current land use patterns.

Mr. Miller said what was proposed is an appropriate use of the property. It is an improvement to the zoning plan and the proposed and existing use are both permitted in this zone. There is adequate air, light and open space and it is consistent with development patterns in the area. The requested relief is in harmony with the balance of the neighborhood and consistent with the uses. The requested setback relief is relatively minor and deviations to the zoning ordinance are not drastic. There would be no impact on the area and the improvements are identical to other uses in the community. He believed the board should approve the subdivision and bulk variances.

Mayor Wilkie referred to exhibit A-4. He noted there were properties in the photo that were not included in the submitted survey of properties. The proposed house is not really in line with what is on the street or in the neighborhood. The neighborhood is more than just one section of a street. Mr. Singer said there are larger lots in the area, and he considers the block to be the neighborhood. The proposed house is built to present day size rather than what was built in the 1920's and 1930's. He offered to agree to make it smaller. Solicitor Frank said it can't be bargained, the plan would need to be revised. Councilman Lovenduski referred to the submitted plans and believes the information is not matching.

Member Lutz noted the applicant created the single lot to meet impervious coverage. He was not comfortable reversing something that was done by a previous Board. He also was concerned there was no recharge area for stormwater management. Mr. Miller said French drains could possibly be installed, depending on the soil. Mr. Singer said stormwater management would be a reasonable condition of approval. Engineer Dougherty said it is exceeding the zoning coverage and the lot is tight, stormwater could be a problem. He is not sure French drains would be practical for the site and suggested barrels to collect rain water.

Mr. Konrad said he has using rain collection barrels at his house and has compensated for the impervious coverage. He submitted for evidence A-6 and A-7, photos of his rain collection buckets. None of his neighbors are collecting rain water and his neighbor's garage is dumping water right onto his property.

It was the Motion of Lovenduski, seconded by McCue to open the meeting to the public for comments regarding Application PB#2014-04.

Monika Borginis, 1273 Highview Avenue, objected to the application. She said the proposed house would severely encroach on her property. He was asking more than the zone allows and that impairs the intent of the zoning ordinances. She does not agree with the setbacks requested for the garage and shed. She was also concerned the construction could cause damage to the foundations of the older homes close to the proposed house.

She does not believe there is any benefit to approval and felt it was a detriment to the area. There was too much there already. She noted that he consolidated to avoid paying fines, and asked many times he can change the lot boundaries.

Eva Borota, 1048 Hornberger Avenue, said she was the previous occupant of 1273 Highview Avenue. She is concerned that even though the proposed driveway is stone, Mr. Konrad would pave it at a later time and create more impervious coverage. She also did not feel comfortable with the setbacks. The plan showed a big house on a tiny lot. It would be very encroaching and take the oxygen out of the neighborhood.

Member Lutz told Ms. Borota that Mr. Konrad would not be able to pave without permission.

Mike Hensley, 1291 Highview Avenue, said he was home when the surveyor was at Mr. Konrad's property. He said his basement is a funnel and he wanted a guarantee that there would not be water in his basement from the proposed structure. He believed water would be a big issue because the house being proposed is 3,000 sq. ft. and it is right next to him. A house that size would not be proportionate to the others in the neighborhood. He noted the applicant applied for a shed and a deck that were already built and was denied so he consolidated his lots, now he wants to subdivide.

Solicitor Frank reminded the board that they should only consider what was before them at the present time and gage it under the current legal criteria. The issue was to create a new lot, and to decide if things could be built on it.

Margaret Zsebenyi, 1250 Emerick Avenue, said she applied to build a garage in 2006 and Mr. Konrad spoke at the public hearing disputing the proposed setbacks and drainage.

Tammy Miller, 1274 Emerick Avenue, said she lives next to the applicant. She was concerned about the measurements Mr. Konrad presented in his analysis of nearby properties and would like them verified. She also was concerned that he trespassed to take the measurements. She felt a smaller house that meets the required setbacks would be better.

Seeing no one else wishing to be heard, it was the Motion of Morris, seconded by Lovenduski, to close the public hearing on the application.

Mr. Singer said the applicant would agree to a deed restriction making sure the driveway was not paved. He said the applicant is not doing more than what already exists in the area. There would be no way to build a house that meets perspective buyer's expectations and still met all zoning requirements. A house that met requirements would not be large enough. He said the application conforms to the existing zone plan.

Engineer Dougherty reviewed his report. There were some minor items that required waivers. He reviewed them. He noted the applicant would need to submit a grading plan. He reviewed the variances required for the two proposed lots. Rain barrels were

something the board could request, he was concerned about the drainage and water getting in the neighbor's basement.

Member Morris told the audience members that spoke that the Board did hear their concerns and he agreed with some of the points that were made. He wanted the applicant to abide by more of the required setbacks.

Solicitor Frank said this was not usual for a Planning Board, there were some larger variances than usual. The first issue was the subdivision of a lot and the board can accept or object to the division. He raised some questions about the ownership of land in the area. He believed there were other lots that are like the current lot Mr. Konrad is trying to divide. He is not sure about lot ownership. The board can accept individually or as a whole the variance for the new lots and can also impose reasonable conditions. The board could also adjourn the decision for the professionals to research the patterns of ownership.

Engineer Dougherty showed the Board lots that were consolidated.

Mayor Wilkie made a Motion, seconded by Lovenduski to deny both parts of the application.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Molimock, Morris, Lovenduski, Wilkie, McCue

NOES: None

ABSENT: Federico, Montgomery

RECUSED: Hamilton-Wood

OTHER BUSINESS

PUBLIC COMMENTS

It was the Motion of Lovenduski, seconded by McCue, to open the meeting to the public.

Mr. Konrad expressed displeasure with his neighbor's comments and the decision of the board.

It was the Motion of Lovenduski, seconded by Morris to close public comments. All ayes.

Motion of Morris, seconded by McCue to adjourn at 9:07 p.m.

Wayne Morris, Secretary

WM/ak